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Human rights situations that require the Council's attention

Written statement* submitted by World Muslim Congress, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Human Rights situation of Indian administered Jammu & Kashmir requires council's attention

The ever worse human rights situation in Indian administered Kashmir deteriorated since September 2016.Human Rights violations including killings, enforced disappearances, torture, use of pellet shot guns, curbs on freedom of movement and assembly, assault on media, perpetrated by occupation forces against dissenting voices, and political opponents demanding right to self-determination as per United Nations Resolutions have become widespread. Perpetrators enjoy almost complete impunity under draconian Armed Forces Special Powers Act despite repeated demands to bring responsible to justice. Human rights defenders face persecution and experience challenges in carrying out their work while the rights to freedom of expression, association and peaceful assembly are being curtailed by draconian laws. The judiciary has failed to deliver justice to the victims and court orders are flagrantly violated and dishonored by the executive. Lack of transparency as well as corruption in criminal justice system has resulted in a serious erosion of the rule of law in Jammu & Kashmir, allowing the proliferation of human rights violations with impunity.

The following issues are of particular concern:

Killings:

Since September 2018, the bar of Killings has risen in Occupied Kashmir as compared to last few years due to the " Operation all Out" an offensive launched by Occupation Forces to flush out freedom fighters. Data collected presents a grim state of affair when comes to the killings till April 2018. As many as 558 persons were killed, which include men, women and children. Regardless of the continuous demands from civil society for the repeal of Armed Forces Special Powers Act (AFSPA), which gives impunity for the killings, the forces continue to enjoy unbridled powers and have turned Jammu and Kashmir in to a hunting ground for promotions and rewards.

Enforced disappearances

There continues to be no trace of the fate of more than 8000 disappeared persons in Jammu and Kashmir and their families suffer incessantly. Ironically, Director General of Police (DGP) SP Vaid, on December 10 at a seminar organized by the State Human Rights Commission (SHRC) in Srinagar, claimed that since 2015 there have been no cases of enforced disappearance. The DGP's claim is far from the truth and appears to be made with an aim to obfuscate the ground reality. In 2017, there has been a significant increase in the abduction of civilians, many of whom after forced disappearances were killed extra-judicially. Seven reported cases of abduction, enforced or involuntary disappearances establish the continuance of disappearances in Kashmir and to belie the Police Chief's statement.

Arrest and detentions

Nocturnal raids, arrests, illegal confinement and frequent crackdown on voices of dissent continue to be a state tool. Since July 2016, Indian Occupied Kashmir witnessed one of the worst crackdowns in which more 19230 Kashmiris were arrested, detained and jailed. Youth were arrested in large number to contain the unrest and suppress the dissent. The arrested persons included good number of students and human rights defenders as well and even minors were apprehended in disregard to the rules and law.

In modern times when people across the globe enjoy human rights, Kashmir narrates a different story. In this part of world, number of political activists and others are being kept in police stations unlawfully under wider umbrella of "preventive custody".

Use of Pellet shotguns

The Occupation Forces in Occupied Kashmir use pellet shotguns to quell the popular uprising and to contain protests against killings. The 12 bore shotguns classified as nonlethal can with one shot, spray over 400 pellets-much like ball bearings- into crowd. The state sanctioned nonlethal weapon has injured 8424 people since September 2016. Out of 8424 people, 73 have lost eyesight, 979 are at the verge of losing eyesight, and vision of 1869 has been damaged partially. The protocol for the use of these crowd control weapons is to aim at the legs to disperse demonstrators but most of the injured persons were hit above waist line and pellets were targeted to vital organs to kill or maim permanently.

Torture and other cruel, inhuman or degrading treatment

Indian Occupied Kashmir has more than 471 torture centers still functioning. Every fifth Kashmiri is the victim of torture and after every five Kilometer, there is a torture center. Ninety nine per cent of all who were or are being arrested are subjected to torture. Torture continues to remain an unreported phenomenon and most of the survivors chose not to report the maltreatment meted out to them for various reasons. However, the cases which get publicized narrate horrible stories.

Methods of torture like head dipping in water, rolling front side legs, electric shocks, inserting chili powder in private parts, cutting body parts or mutilating, keeping detainees naked during torture, sexually abusing , legs and arms stretching, inserting iron rods, hanging upside down, forced to drink excessive water, humiliation are worst and all of them have been applied on Kashmiri people.

Prisoner's plight

Systematic abuses and ill treatment of Kashmiri prisoners lodged in different jails has been intensified since September 2016. These prisoners continue to suffer from feeling of deprivation, and helplessness. Their condition is deplorable and they suffer extraordinary ordeal. They aren't able to meet their lawyers and receive proper medical care. The lives of these prisoners have been made hell by jail authorities. They are being served sub-standard and unhygienic food.

Most of the Kashmiri detainees lodged in different jails of State and outside are under trial and face tranny of legal system. The Authorities do not produce them regularly before courts on date of hearing for one reason or the other and most of the detainees due to lack of escort, miss their date of hearing in courts, which causes undue delay in disposing off their cases. In addition to this, the jail authorities derive pleasure in harassing their relatives who come from far off areas to meet them. They are made to wait for hours and humiliated in the name of frisking and are also subjected to harassment in blatant violation of the jail manual.

A. Freedom of opinion and expression

Repression of media and journalists

Many of the electronic and print media, such as Peace TV English, Peace TV Urdu, ARY QTV, Madni Channel, Noor TV, Hadi TV, Paigam, Hidayat, Saudi Al-Sunnah Al-Nabawiyah, Saudi-Al-Quran Al- Karim, Sehar, Karbala TV, Ahli-biat TV, Message TV, Hum TV, ARY Digital Asia, Hum Sitaray, ARY Zindagi, ARY Musik, TV One, ARY Masala, ARY Zauq, A TV, Geo News, ARY News Asia, AbbTakk News, Waseb TV, 92 News, Duniya News, Samna News, Geo Tez, Express News and ARY News, have been closed down in the past few years. Spurious charges have been filed against journalists by NIA (National Investigation Agency) and have been attacked while gathering information or as a reprisal for publishing articles or reports. In addition to judicial harassment, journalists often face threats and / or physical violence, notably by law enforcement agents.

Surveillance on social media

Social media are constantly monitored by the government's intelligent agencies and police by the "Social Media Laboratories". Using these social media laboratories, the authorities are able to collect information from all kinds of blogs, including Facebook, Twitter, Instagram, Google plus, YouTube and Wordpress and is using the same against Kashmiris.

B. Freedom of assembly and association

The right to freedom of peaceful assembly is one of the foundations of a democratic society and is guaranteed by Article 19 of the Constitution of India and Articles 21 of the ICCPR. However, peaceful meetings and assemblies organized by civil society organizations or resistance leaders have been willfully and systematically disrupted. There were episodes of Occupation Forces attacking gatherings and conducting mass arrests. In certain cases, local administrations issued orders stopping such events under section 144 of the Code of Criminal Procedure. Sometimes the movement of people is restrained by authorities by imposing curfew. The Chairman of the All Parties Hurriyat Sayed Ali Gilani has continuously been denied to address any public gathering and is in house detention for the last three hundred days, which symbolizes the shrinkage of space to all kinds of public dissent.